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September 3, 2020

By ECF

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: United States v. Amaury Modesto
17 Cr 251 (PGG)**

Dear Judge Gardephe:

I write requesting that the Court grant Mr. Modesto permission to work and amend its order dated August 13, 2020 (Dkt. No. 311) and modify the conditions of Mr. Modesto's supervised release, changing it from home incarceration to home detention.

Mr. Modesto has been contacted by his former employer, King Zak, a warehouse near his home, and offered to resume employment there. Attached hereto as Exhibit A is a letter from his former employer offering him a job and advising of the company's social distancing policies.

I have spoken with Probation Officer Florence Duggan and Probation does not object to the proposed modification. I have communicated with AUSA Kamal by email and she informed me that "the Government defers to Probation."

If the Court is willing to grant this request, then Probation specifically requests that the Court modify Mr. Modesto's conditions of supervised release, changing it from home incarceration to home detention and issue an Order that contains the following language:

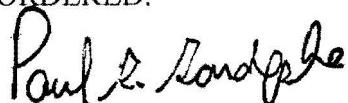
The Supervisee shall comply with the conditions of Home Detention via location monitoring, for a period of 6 months. During this time, he shall remain in his place of residence except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, Court appearances, Court-ordered obligations, or other activities as preapproved by the officer. The supervisee will maintain a telephone at his place of residence without call forwarding, a modem, caller ID, call waiting or portable cordless telephone for the above period. At the direction of the probation officer, the supervisee shall wear an electronic monitoring device, technology at the discretion Probation Office, and follow electronic monitoring procedures specified by the probation officer. The supervisee shall pay the costs of home confinement on a self-payment or co-payment basis as directed by the probation officer.

If the foregoing request meets with Your Honor's approval, then I respectfully request that you "So Order" this letter.

Thank you for your consideration and attention to this matter.

The Court grants Modesto's request to modify the conditions of his supervised release in accordance with the language laid out above.

SO ORDERED.



Paul G. Gardephe
United States District Judge
September 7, 2020

Respectfully submitted,

/s/

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Cc: AUSA J. Kamal (by email)
PO F. Duggan (by email)

EXHIBIT A



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To whom this may concern,

Since Covid-19 our company has taken extra steps to insure a safe working environment for all our employees.

Our Distribution Center is over 150,000 sq. feet with an open and airy layout and a small work force of approx. 25 employees. Each employee works independently with their own machine to pick orders.

Social distancing is practiced as well as the use of masks.

We look forward to having Amaury Modesto rejoin our company.

Please feel free to reach out to me with any questions.

Saadia Zakarin

Director of Operations